IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

H. YASUKAWA, et al

Serial No.:

10/765,883

Filing Date: January 29, 2004

For:

JUL 2 0 2004

STORAGE CONTROL APPARATUS AND A CONTROL METHOD

THEREOF

SUBMISSION OF DECLARATION UNDER 37 CFR §1.63

MS Missing Parts

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

July 20, 2004

Sir:

In the matter of the above-identified application, which was originally filed on January 29, 2004 without a Declaration, and responsive to the Notice to File Missing Parts of Application Filing Date Granted dated June 28, 2004, please find attached hereto a Declaration for submission under 37 CFR §1.63, executed by each of the inventors in the above-identified application.

A Credit Card Payment Form authorizing the requisite \$130.00 fee is attached. Should any additional fees become due in connection with the filing of this Declaration, please charge Deposit Account No. 01-2135 (Case No. 500.43450X00).

Respectfully submitted,

Carl I. Brundidge

Registration No. 29,621

ANTONELLI, TERRY, STOUT & KRAUS, LLP

CIB/jdc Enclosures 703/312-6600

PTO/SB/106(5-00)

Approved for use through 10/31/02. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

| 私は、以下に記名された発明者として、ここに下記の通り宣言する : | As a below named inventor, I hereby declare that: |
|--|---|
| 私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された 通りである。 | My residence, post office address and citizenship are as stated next to my name. |
| 下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である(唯一の氏名が記載されている場合)か、或いは最初、最先且つ共同発明者である(複数の氏名が記載されている場合)と信じている。 | I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled STORAGE CONTROL APPARATUS AND A CONTROL |
| | METHOD THEREOF |
| 上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない : | The specification of which is attached hereto unless the following box is checked: |
| □の日に出願され、 この出願の米国出願番号またはPCT国際出願番号は、 であり、且つ の日に補正された出願(該当する場合) | was filed on as United States Application Number or PCT International Application Numberand was amended on(if applicable). |
| 私は、上記の補正書によって補正された、特許請求範囲を含む 上記明細書を検討し、且つ内容を理解していることをここに表明 する。 | I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. |
| 私は、連邦規則法典第37編規則1.56に定義されている、 特許性について重量な情報を開示する義務があることを認める。 | I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. |

Page 1 of 4

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Japanese Language Declaration (日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一国を指定している米国法典第35編題365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日よりも前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

| Prior Foreign Application(s) 外国での先行出願 2003-400515 (Number) (番号) | Japan (Country) (国名) | 28/November/2003 (Day/Month/Year Filed) (出願日/月/年) | Priority Not Claimed 優先権主張なし |
|---|----------------------------|--|---------------------------------|
| (Number) (番号) | (Country) (国名) | (Day/Month/Year Filed) (出願日/月/年) | ⊔ |
| 私は、ここに、下記のいかなる米国の米国法典第35編119条(e)項の | | I hereby claim the benefit under Titl Section 119(e) of any United States pro below. | |
| (Application No.) (出願番号) | (Filing Date) (出願日) | (Application No.) (出顧番号) | (Filing Date) (出願日) |
| 私は、ここに、下記のいかなる米 | は国出願についても、その米 | I hereby claim the benefit under Titl | e 35, United States Code |

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に関示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願目との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について関示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the dutyto disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and thenational or PCT International filing date of application.

| (Application No.) (出願番号) | (Filing Date) (出願日) | (Status: Patented, Pending, Abandoned) (現況:特許許可済、係属中、放棄) |
|-----------------------------|------------------------|---|
| (Application No.) | (Filing Date) | (Status: Patented, Pending, Abandoned) |
| (出願番号) | (出願日) | (現況:特許許可済、係属中、放棄) |

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出顧またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that suchwillful false statements may jeopardize the validity of the applicationor any patent issued thereon.

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委任状: 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び/または弁理士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute thiapplication and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

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(Supply similar information and signature forthird and subsequent joint inventors.)

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| | |
| (第七以降の共同発明者についても同様に記載し、署名をする | (Supply similar information and signature for seventh a |
| (と) | subsequent joint inventors.) |